STATE OF MICHIGAN

COURT OF APPEALS

MARK SMITHMIER and KIMBERLY SMITHMIER,	UNPUBLISHED April 13, 2004
Plaintiffs-Appellants,	
v	No. 244172 Wayne Circuit Court
GREYBERRY APARTMENTS OF WAYNE,	LC No. 01-125651-NO
Defendant-Appellee.	

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

PER CURIAM.

Plaintiffs appeal as of right from a circuit court order granting defendant's motion for summary disposition in this premises liability action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff Mark Smithmier slipped and fell on an outdoor stairway on defendant's premises. He claimed to have slipped on a tiny bit of ice on the metal strip along the front edge of a stair tread. Defendant asserted that it did not have notice of the condition and there was no evidence to show that it had existed for a sufficient length of time such that notice could be presumed. Plaintiffs then argued that the stairway was defective because the handrail did not extend the full length of the stairway. The trial court found from the photographs submitted that the handrail was full length and granted defendant's motion. We review the trial court's ruling on a motion for summary disposition de novo on appeal. *Kefgen v Davidson,* 241 Mich App 611, 616; 617 NW2d 351 (2000).

Plaintiffs' sole claim on appeal is that the trial court erred in finding that the evidence did not present a genuine issue of fact regarding the length of the handrail.[1] Assuming without

[1] Because the trial court dismissed plaintiffs' complaint in its entirety, the dismissal necessarily extinguished any claim for liability predicated on defendant's failure to keep ice off the stairway. Plaintiffs' appellate brief, however, focuses only on the handrail issue; therefore, we presume that plaintiffs have decided to abandon any claim that defendant should be held liable solely on the basis of the alleged icy condition of the steps. Moreover, we find that the documentary evidence does not reflect that defendant had notice of the icy condition nor that it had existed for
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deciding that were true, plaintiff has not shown that this factual question precluded entry of judgment.

Defendant owed plaintiff, the social guest of a tenant, the same duties owed to an invitee. *Petraszewsky v Keeth (On Remand),* 201 Mich App 535, 540; 506 NW2d 890 (1993). "In general, a premises possessor owes a duty to an invitee to exercise reasonable care to protect the invitee from an unreasonable risk of harm caused by a dangerous condition on the land." *Lugo v Ameritech Corp, Inc,* 464 Mich 512, 516; 629 NW2d 384 (2001). However, this duty does not extend to open and obvious dangers. *Id.*

There is some minor risk associated with steps, but the condition is so common that people are expected to take care for their own safety. *Bertrand v Alan Ford, Inc,* 449 Mich 606, 614-617; 537 NW2d 185 (1995). Moreover, steps in themselves do not create an unreasonable risk of harm. *Id.* at 617. For there to be an unreasonable risk of harm, there must be something unusual about the character, condition, or surroundings of the steps. *Id.* However, "only those special aspects that give rise to a uniquely high likelihood of harm or severity of harm if the risk is not avoided will serve to remove that condition from the open and obvious danger doctrine." *Lugo, supra* at 519 (footnote omitted).

The risk of harm presented by traversing steps with a handrail of inadequate length is open and obvious, *O'Donnell v Garasic*, 259 Mich App 569, 575-577; __ NW2d __ (2003), and plaintiff has not addressed the issue whether the stairway presented an unreasonable risk of harm despite the open and obvious nature of the allegedly inadequate handrail. Because plaintiff has failed to address an issue that must necessarily be reached to reverse the trial court, he is not entitled to relief. *Sargent v Browning-Ferris Industries,* 167 Mich App 29, 37; 421 NW2d 563 (1988); *Roberts & Son Contracting, Inc v North Oakland Dev Corp,* 163 Mich App 109, 113; 413 NW2d 744 (1987).

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski

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a sufficient length of time such as to place defendant on notice of the condition. At oral argument on summary disposition, plaintiffs did not argue to the contrary despite defendant's focus on notice.